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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:

Alleshouse

Serial No.: 10/601,213

Conf. No. 7352

Filed: June 20, 2003

For: XML System

Examiner: S. Paik

Art Unit: 2876

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313, on this date.

October 18, 2004

Date

Eric D. Cohen

Reg. No. 38,110

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313

Sir or Madam:

In response to an Office Action dated September 21, 2004, applicant, through their attorneys, submit the subject Terminal Disclaimer Under 37 C.F.R. §1.321(b). Applicant notes the Examiner's statement that a timely filed terminal disclaimer may overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. Applicant's attorney submits on behalf of applicant, Bruce Alleshouse and assignee, ZIH Corp., a terminal disclaimer showing common ownership of the subject patent application and issued Patent No. 6,655,593.

On behalf of applicant and assignee, applicant's attorney represents that assignee owns the entire right, title and interest in the subject matter disclosed in the above-identified patent

application. Applicant's attorney also represents that assignee owns the entire right, title and interest in the subject matter disclosed in U.S. Patent No. 6,655,593.

Applicant and assignee hereby disclaims the terminal part of any patent granted on the above-identified patent application which would extend beyond the expiration date of any patent granted on commonly owned issued Patent No. 6,655,593.

Applicant and assignee acknowledge that any patent granted on the subject application shall be enforceable only for and during such period that said patent application is commonly owned with any patents granted on commonly owned application serial no. 10/348,422 filed on January 21, 2003 and issued as Patent No. 6,655,593.

Applicant and assignee do not disclaim any terminal part of any patent granted on the above-identified patent application prior to the expiration date of the full statutory term of any patent granted on Serial No. 10/348,422, filed January 21, 2003, and issued as Patent No. 6,655,593 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

Applicant and assignee acknowledge that any patent granted on the subject patent application serial No. 10/601,213 or any patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the patent application serial no. 10/348,422 filed on January 21, 2003 and issued as Patent No. 6,655,593, which formed the basis for the rejection.


A check in the amount of \$110.00 as the disclaimer fee pursuant to 37 C.F.R. §1.20(d) is enclosed.

The Fee (110.00) is enclosed in a check for \$110.00.
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The Commissioner is hereby authorized to charge any deficiency in the required fee or to credit any overpayment to Deposit Account No. 23-0920. A duplicate copy of this document is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By 
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